

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

KATHI D BERRY

Claimant,

and

WEST LIBERTY FOODS LLC

Employer.

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HEARING NUMBER: 11B-UI-00163

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Employment Appeal Board would cite Porazil v. Jackman Corporation, August 27, 2003, Court of Appeals Unpublished Case No. 3-408/02-1583 as supporting authority. The court in Porazil held that a claimant who is terminated prior to a return from a leave of absence is not

obligated to return to the employer to offer services after the expiration of the leave of absence. The rationale being that the claimant no longer has an employment relationship to which the claimant can return.

John A. Peno

Monique F. Kuester

Elizabeth L. Seiser

AMG/fnv